

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RICHARD LIVINGSTON, PAUL RAYMOND
and CHRISTOPHER SHOPPMEYER,**

Plaintiffs,

Case No.

v.

REBECCA BLANK, Acting Secretary
of the United States
Department of Commerce and **THE
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION,**

Defendants.

I

This action is brought under the Privacy Act of 1974 (5 U.S.C.A. Section 552a(g)). Plaintiffs seek an order and judgement of this Court that the Defendants be enjoined from withholding certain requested records and to order the production of records improperly withheld.

II

Plaintiffs, each of whom are members of the Federal Law Enforcement Officers Association ("FLEOA"), are current or retired employees of the Defendants. The Plaintiffs bring this action individually as members of FLEOA and on their own behalf. Both Defendants are both a federal agency within the meaning of the Act. Defendant, Rebecca Blank, is the Acting Secretary of the Department of Commerce. Venue of this action is proper in this Court under the provisions of the Act.

III

Defendants at all times mentioned, maintained and now maintains certain records relating to Plaintiffs consisting of the following: On or about March 12, 2012, Plaintiffs requested Defendants to provide and disclose the records detailed on Exh. A attached (the "Records").

IV

Defendants have, to date, refused to provide or disclose the Records to the Plaintiffs. Defendants have not responded to the Plaintiffs' requests for Records. Defendants persist in refusing to

provide the Records despite repeated and renewed requests by Plaintiffs. Defendants have appealed the Defendants' refusal to act administratively, but there has been no response from the Defendants to date.

V

Plaintiffs have fully complied with all procedural requirements of the Defendants, including appeal to the Defendant, United States Department of Commerce, and no further right of review or appeal or other remedy is available to Plaintiffs before the Defendant agency. To date, the Defendants have never responded to the Plaintiffs' request for Records.

WHEREFORE, Plaintiffs request:

1. That this Court immediately issue, or as soon as the matter can be heard, its order directing the Defendants to disclose and provide to Plaintiffs the Records.
2. Costs and such other relief as the Court may deem proper.

Dated: February 20, 2013

_____/S/
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